

## THE COLLEGE AND THE FIRST OXFORD JEWISH GRADUATE

*This article by DR. CECIL ROTH (Reader in Jewish Studies) is reprinted from the Oxford Magazine of 7 March 1963*

A MILD celebration was held at the end of last term to commemorate the centenary of the graduation of the first Jew in Oxford, on December 4th 1862, in the person of one Sackville Davis, of Worcester College. In the course of a slight commemorative address, I commended, implicitly at least, both the broadmindedness of the College and the steadfastness of the graduand. Before any apposite toasts could be drunk, however, the College archivist brought to my attention some documents which demonstrate that, although the celebration was in order, the bouquets were not.

The historical background of what happened in 1862 is fairly familiar. Jews had been excluded from the English Universities (with Christian nonconformists) not by any specific provision, but by the necessity to subscribe to the Thirty-Nine Articles. In Cambridge this had to take place on graduation: Jews could therefore matriculate, receive instruction, sit for the Tripos and be placed in a class-list, but not proceed to the formality of taking their degrees: this was the case for example with James Joseph Sylvester, who was placed as Second Wrangler in the Mathematical Tripos in 1837 and thereafter had a brilliant academic career culminating with his appointment in 1883 as Savillian Professor of Geometry in Oxford, but formally took his degree long after he was famous. In Oxford, on the other hand, it had been necessary since 1581 to subscribe to the Articles at matriculation: the University was thus hermetically closed to professing Jews from the outset.

This state of affairs was changed, not as is generally believed by the University Tests Act of 1871 (which completed a process that had already begun) but so far as this University was concerned by the Oxford University Reform Act of 1854, which provided that it should not be necessary for any person, on matriculating at the University of Oxford, or taking the degree of Bachelor in Arts, Law, Medicine or Music, to make or subscribe to any declaration or take any oath. (The Cambridge University Reform Act passed two years later was somewhat more liberal than this.) Although

the gates of the University were thus opened to Jews (though they were not specifically mentioned) it was only on July 9th 1859, at the beginning of the Long Vacation, that Mr. Sackville Davis of Worcester College matriculated, at the ripe age (for an undergraduate) of twenty-nine. He was already a family man, having married—a non-Jewess, and probably in Church—ten years earlier: and it had always been a source of some surprise to me that one who had married out of the Jewish faith should have shewn himself a paladin of Judaism.

The answer now appears, from the documents and correspondence I have been shewn, that he didn't. He had (or had adopted) a pleasantly ambivalent name: he was able to present himself as a member of Lincoln's Inn, to which he had been admitted in the previous January; his association with formal Judaism seems to have been extremely tenuous throughout his life: and it appears that he did not take the trouble to mention his religious affiliation to the authorities at Worcester, who therefore accepted him in the belief that he was a member of the Church of England. He obviously attended Chapel (even if he lived out of College with his wife he must have done so sometimes). But, towards the end of his first term he seems to have realized that there might be some advantages in asserting his rights as a Jew. He wrote to the Dean accordingly, on 18th November:

I shall feel much obliged by your excusing me in the analysis of the 39 articles and from any divinity paper at Collections on the grounds of my not being a member of the Church of England and of my great want of time generally.

I intend taking advantage of the statute to decline Divinity at Moderations and degree examination. I shall take up the two extra books instead.

The College was, it seems, horrified at this revelation that they had unwittingly admitted an infidel, being, as they asserted, a Church of England college by the terms of foundation (a claim which presumably could have been made by any younger College in the University) as well as by a byelaw passed after the recent alteration of the University statutes. At a College meeting on November 22nd it was determined that Mr. Davis should be told to retire from the University

or else betake himself to another College, if he could find one to accept him: to this was added, it seems, a threat that if he proved difficult they would make it generally known that he had been admitted as the result of fraudulent behaviour on his part. He applied forthwith to Pembroke but was informed (November 25th) 'that this College is not in the habit of admitting married men or students so old as 29'. He now tried his luck at Christ Church. The Dean replied (November 29th) that it was 'a universal rule with us not to receive a man from any other College, unless he be elected a Member of the Foundation': adding that otherwise they would have made no difficulty, providing that the Vice-Chancellor permitted him to reside in lodgings.

Before he received this delayed communication Davis changed his tactics and wrote his College authorities a truculent letter not soliciting, but demanding the retention of his name on the books. He had made great sacrifices to attain his present position, he said: at their first interview the Provost had not mentioned the byelaw that was now cited: the latter had indeed entered into a common-law contract with him; and he proposed to take legal action to enforce its fulfilment, even if he had to take the case up to the House of Lords.

The College determined to take legal opinion to ascertain its rights. Informed of this, the victim had recourse to a little mild blackmail. If the only bar at Christ Church was that he belonged to another College, surely that other College could not maintain its objection on religious grounds? Writing to the Pro-Provost of Worcester on December 9th, Davis referred to his communications with the Dean of the House:

As an additional reason of his helping me I told him of your threat of making known I was admitted by mistake. It would be very unfair for you to do so as the knife cuts both ways and I hope you will do nothing that will degrade me in the eyes of the men . . . It is always better that things should require no explanation.

In view of this, he menacingly demanded that the Dean should be informed of the circumstances of his admission, so as to remove the impression that he had been guilty of fraudulence and perhaps induce him to change his mind.

The bundle contains the draft of a subsequent letter from the Provost to the Dean, which is surely the pearl of the series:

. . . A gentleman of the Jewish persuasion was admitted at this College under an entire misapprehension, being supposed to be a member of the Church of England. He had not professed himself to be so, but a testimonial of good character was given to me respecting him which assured(?) me that he was a respectable character, and thereupon I received him. But it was not till a few days since that I discovered his religion . . .

Precisely what now happened it is difficult to tell. It rather looks as though Davis was fobbed off by being told informally that, if notwithstanding his persistence Christ Church maintained its attitude, and legal opinion was not unfavourable, he might be allowed to remain at Worcester after all, his religion notwithstanding. With a sudden change of mood, he wrote the Pro-Provost on 10th December a turgid letter of thanks:

Will you please present my thanks to the Provost and Fellows for the most kind and courteous manner in which my case has been considered and my feelings respected.—I feel deeply that by me you are affected(?) and would that I could satisfy your every wish . . . If I have not done my duty as in my conscience I have always done . . . I always make a Rule to use my utmost power to advance the interests of any Institution to which I may belong and I hope by perseverance and good conduct that I may do more credit to the College than many others who are members of your own Religion.—I feel assured that the time will come when We shall be as Popular here as in London . . . If I have time I shall have ambition enough to attempt a High Class in Law and Modern History. As I don't intend (unless this is asked) to take up Divinity, I might probably be excused attending Divinity lectures (though much advantage irrespective of religion is derivable from them) in order to attend yours . . .

This letter is burned at the edges. It almost seems as though the recipient, annoyed at the tone, threw it into the fire, and then, changing his mind, snatched it out again to shew to his colleagues.

The final issue naturally remained in suspense throughout the Christmas vacation. On February 1st 1859 the Fellows were at last informed of the opinion on the legal issue of the Solicitor General, Sir Richard Bethell. It was to the effect that Davis could not successfully claim damages from the College for the injury done to him by removing his name: that indeed it was the College's duty to do so since he was incapable of fulfilling the usual conditions on which undergraduates were admitted: and that he had no right of appeal, and in any case little chance of success.

Informed of this opinion (reinforced by a kindly intimation from the Tutors that whatever happened, they declined to receive him into their lectures) Davis was unmoved: he had apparently obtained promises of support from some of the more belligerent members of the Anglo-Jewish community if he took legal action and was determined to press his claim. But at this point, for no obvious reason (other than the desire to avoid the expenses of a lawsuit, and possibly too the unwelcome publicity that this would entail) the College's opposition weakened. After a further unsuccessful attempt to persuade the unfortunate Davis to migrate to a Hall, or else withdraw spontaneously, they now made their final ungenerous proposal. It was that he would be allowed to retain his name on the books on condition that he did not attend Chapel (which was very proper) and also that he did not attend Hall, or even lectures, in the College. And, alas, he complied.

With this, the miserable passage of arms ended. Sackville Davis continued to be in name a member of Worcester College, and took his degree (not surprisingly, without the honours that he had coveted) on December 4th 1862—the first professing Jew to do so in this University, as the Jewish press jubilantly recorded immediately after. Now that I know fuller circumstances, I wish that I had not commemorated the event.<sup>1</sup>

<sup>1</sup> Worcester College was to prove itself no less unfriendly—but forewarned by this experience, at an earlier stage—in October 1860, when a Unitarian was refused admission: though a year later it was determined to admit a Baptist on condition that he was already baptised, that he attended Chapel and Divinity lectures, and was 'not a polemical proselytizing Dissenter'.